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Docket No. 5677/142
(Div. of 5677/89)

12/D
M.G.
6/19/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Divisional Application of: Leo J. Romanczyk, Jr. et al.

RECEIVED

JUN 07 2002

Serial No. : 09/717,445 Group Art Unit : 1651

Filed : 11/21/00 Examiner : C. Tate

TECH CENTER 1600/2900

For : FOODS CONTAINING A COCOA POLYPHENOL ADDITIVE

Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO RESTRICTION REQUIREMENT AND AMENDMENT

Sirs:

Response to Restriction Requirement

This is submitted in response to the Restriction Requirement mailed April 30, 2002. A response is due May 30, 2002.

Restriction to one of the following inventions was required under 35 U.S.C. 121:

I. Claims 1 – 11 and 20 – 23, drawn to a substantially pure cocoa extract comprising cocoa polyphenols, or a neoplastic composition comprising cocoa polyphenols, classified in class 424, subclass 725;

II. Claims 12-17, drawn to a method of treating a neoplastic patient via administering an effective amount of a substantially pure cocoa extract or synthetic cocoa polyphenols, classified in class 424, subclass 776;

III. Claims 18-19, drawn to a kit, classified in class 435, subclass 810;

IV. Claims 24-25, drawn to a method of preserving or protecting a desired item from oxidation via contacting the item with a substantially pure cocoa extract or synthetic cocoa polyphenols, classified in class 426, subclass 541;

V. Claim 26, drawn to a method of inhibiting topoisomerase via contacting topoisomerase with a substantially pure cocoa extract or synthetic cocoa polyphenols, classified in class 435, subclass 183;

VI. Claims 27-42, drawn to a food comprising a cocoa polyphenol as an additive, classified in class 426, subclass 629; and

VII. Claim 43, drawn to a food comprising a synthetic procyanidin as an additive, classified in class 514, subclass 453.

Applicants elect with traverse Claims 27-42 of Group VI. Applicants believe Claim 43 of Group VII, which is also drawn to a food composition, should be searched and that such a search would not be unduly burdensome.

Amendment

In the Title

Please delete, if necessary, the title "Xanthine Alkaloid Free Cocoa Extracts Containing Cocoa Procyanidins" and insert -- Foods Containing A Cocoa Polyphenol Additive --.